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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,166	01/14/2005	Hiroshi Morikawa	IRD-0004	5678

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RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

REINIER, BARBARA DIANE

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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12/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/521,166

Applicant(s)

MORIKAWA, HIROSHI

Examiner

Barbara D. Reinier

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 3-5,7-9,17,18,22,23 and 25-29.
Claim(s) withdrawn from consideration: 1,2,6,10-16,19-21,24.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625

/Barbara D Reinier/
Examiner, Art Unit 2625

Continuation of 3. NOTE: the amendment to the independent claims changes the scope.

Continuation of 11. does NOT place the application in condition for allowance because: Regarding Applicant remarks on pages 11-12 with reference to the 35 U.S.C. 112 second rejection, the Applicant's argument is persuasive. Therefore, the rejection under 35 U.S.C. 112 second is withdrawn. Regarding remarks on pages 12-15 with respect to 35 U.S.C. 103 rejection of claim 3. In paragraph 5 of page 13, the examiner disagrees with the Applicant. The examiner reads the binary image data that has been stored on a hard disk as indicative of a "storage unit" and the step S222 stating outline vector data of the binary image is extracted as indicative of a "vectorization unit". Additionally, this is also stated in col. 13 lines 30-34. The step of providing the data for smoothing/zooming is the step "after" (S223) the vector extraction S222 step as detailed in Ishida Figure 22. The examiner in the office action of 10/1/2008 acknowledged that Ishida did not teach using an inverse function of a predetermined function and thus Okazaki satisfied this deficiency. On page 14, paragraph 1, the Applicant argues that Ishida does not "directly" use the bit map data. However, the limitations of the instant application only require the producing bitmap data after transformation "based on" ... there is no requirement in the current limitations stated that the data be "directly" used thus data that has a common thread to the original data set is still qualifies as being "based on". On page 14 paragraph 4 - page 15 paragraphs 1-2, the Applicant argues that Okazaki is silent about a color determination unit for determining a color of a position. The Applicant does note (paragraph 2 page 15) that the intensity values are monochrome. The examiner considers the varying monochromatic (grayscale) values indicative of color - be it only black, white or grayscale therein between. Although the examiner understands the Applicant's intent, the examiner respectfully notes that in the instant application the limitations of the claims do not require any particular color or multiple color values. It is well known in the art to use intensity as a pseudo color as well as principles of monochromatic representation can be applied to other color systems such as those using CMY. Therefore, the examiner believes that the rejection is still valid based on the current language of the claims. Regarding Applicant remarks on pages 16-18, the examiner respectfully points out that for claims 7-9, 18, 23 and 27-29, Okazaki was not relied upon at all and the examiner did not suggest that Okazaki remedied any deficiency in this case. The Applicant argues (page 17 paragraph 3 - page 18 paragraph 1) that the claimed invention attempts to have an arrangement where bitmap data has "jaggy-less" smoothed outlines can be obtained thereby reducing the impression that the reproduced image is different from the original. Although the examiner understands the Applicant's intent, these limitations are not explicitly stated in the claims that a particular threshold of "jaggy-less" is achieved or necessitated. Therefore, the examiner believes that the rejection is still valid based on the current language of the claims. In the Office Action dated 10/1/2008 the examiner did not take "Official Notice" in any case..